

The Honorable James L. Robart

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

VANESSA SIMMONDS,

NO. C07-1638 JLR

Plaintiff,

V.

CREDIT SUISSE SECURITIES (USA)
LLC, a Delaware limited liability
company,

**PLAINTIFF'S NOTICE OF
DISMISSAL**

**DEUTSCHE BANK SECURITIES
INC., a Delaware corporation,**

and

LEHMAN BROTHERS INC.,
a Delaware corporation,

Defendants.

and

AIRSPAN NETWORKS INC., a Washington corporation,

Nominal Defendant.

Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i), Plaintiff hereby dismisses this action with prejudice as to the adequacy-of-the-pre-suit-demand issue under the standard articulated by the Ninth Circuit (*see Simmonds v. Credit Suisse Sec. (USA) LLC*, 638 F.3d 1072, 1097 (9th Cir. 2011) (citing *In re Kauffman Mut. Fund Actions*, 479 F.2d 257, 267 (1st Cir. 1973))), and without prejudice as to all other issues.

DATED this 11th day of June, 2012.

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CERTIFICATE OF SERVICE

I hereby certify that on June 11, 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following.

<p><u>Counsel for Nominal Defendant Airspan Networks Inc.:</u></p> <p>Evan L. Schwab DORSEY & WHITNEY LLP E-Mail: schwab.evan@dorsey.com</p>	<p><u>Counsel for Defendants Credit Suisse Securities (USA) LLC, Deutsche Bank Securities Inc. and Lehman Brothers Inc.:</u></p> <p>Christopher B. Wells Brian J. Meenaghan Ryan McBride LANE POWELL PC E-Mail:wellsc@lanepowell.com Meenaghanb@lanepowell.com McBrideR@lanepowell.com</p>
<p><u>Counsel for Defendant Deutsche Bank Securities Inc.:</u></p> <p>Joel M. Mitnick* SIDLEY AUSTIN LLP E-Mail: jmitnick@sidley.com</p> <p>*Admitted Pro Hac Vice</p>	<p><u>Counsel for James W. Giddens, as Trustee for the Liquidation of the Business of Lehman Brothers Inc.:</u></p> <p>Jennifer L. Tait Robinson Tait, P.S. Email: jtait@robinsontait.com</p> <p>Sarah L. Cave Hughes Hubbard & Reed LLP Email: cave@hugheshubbard.com</p>
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